

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 7, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: EOT-31990 – EXTENSION OF TIME – SPECIAL USE PERMIT

– APPLICANT: LAKESIDE CENTER - OWNER: WFTNV, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Special Use Permit (SUP-17307) shall expire on January 3, 2010 unless another Extension of Time is approved by the Planning and Development Department.
2. Conformance to all conditions of approval of Special Use Permit (SUP-17307) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for an Extension of Time of an approved Special Use Permit (SUP-17307) for a proposed Restaurant Service Bar and a waiver of the 400-foot distance separation requirement from an existing church at 2620 Regatta Drive, Suite.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/06/88	The City Council approved a Rezoning (Z-0121-87) of property located west of Buffalo Drive, between Lake Mead Boulevard and Cheyenne Avenue from N-U (Non-Urban) to R-PD5 (Residential Planned Development- 5 Units per Acre) and C-1 (Limited Commercial) for a proposed residential and commercial development.
01/26/89	The Board of Zoning Adjustment approved a Variance (V-0154-88) to allow 315 parking spaces where 394 are required in conjunction with a proposed commercial shopping center.
02/19/92	The City Council approved a request for a Special Use Permit (U-0311-91) to allow Packaged Liquor Sales in conjunction with a proposed Market at 2600 Regatta Drive. The Board of Zoning Adjustment recommended approval on 01/28/91.
12/06/00	The City Council approved a request for a Special Use Permit (U-0169-00) for a Restaurant Service Bar at 2620 Regatta Drive. The Planning Commission recommended approval on 10/26/00.
06/20/01	The City Council approved a request for a Special Use Permit (U-0052-01) for a proposed Hypnotherapy business at 2620 Regatta Drive. The Planning Commission recommended approval on 05/1/01.
12/19/01	The City Council approved a request for a Variance (V-0073-01) to allow 315 parking spaces where 405 parking spaces are required on property located adjacent to the southeast corner of Regatta Drive and Breakwater Drive. The Planning Commission recommended approval on 11/01/01.
12/19/01	The City Council approved a request for a Site Development Plan Review [Z-0121-87(1)] to allow a proposed 8,325 square-foot Synagogue on property located adjacent to the southeast corner of Regatta Drive and Breakwater Drive. The Planning Commission recommended approval on 11/01/01.

07/18/03	The Planning and Development Department approved a request for an Administrative Review (SDR-19910) to allow antennas to be mounted inside the extension to the existing building at 2620 Regatta Drive.
11/20/03	The Planning Commission accepted the applicant's request to Withdraw Without Prejudice a request for a Special Use Permit (SUP-3167) for Automotive Rentals (RV) at 2620 Regatta Drive.
01/21/04	The City Council approved a request for an Extension of Time (EOT-3251) of an approved Variance (V-0073-01) to allow 316 parking spaces where 405 parking spaces are required adjacent to the southeast corner of Regatta Drive and Breakwater Drive. The Planning Commission recommended approval on 12/18/03.
01/21/04	The City Council approved a request for an Extension of Time (EOT-3252) of an approved Site Development Plan Review [Z-0121-87(1)] which allowed a proposed 8,325 square-foot Synagogue adjacent to the southeast corner of Regatta Drive and Breakwater Drive. The Planning Commission recommended approval on 12/18/03.
05/16/05	The Planning and Development Department approved a request for an Administrative Review (SDR-19894) to allow a proposed co-location of panel antennas on the existing building tower at 2620 Regatta Drive.
11/16/06	The Planning and Development Department approved a request for an Administrative Review (SDR-17309) for Valet Parking at an existing shopping center located on the southeast corner of Regatta Drive and Breakwater Drive.
01/03/07	The City Council approved a request for a Special Use Permit (SUP-17307) for a proposed Restaurant Service Bar and a waiver of the 400-foot distance separation requirement from an existing church at 2620 Regatta Drive, Suite 117. The Planning Commission recommended approval on 11/16/06.
06/20/07	A Code Enforcement case (54580) was processed for a carport for approximately 24 vehicles built without a permit at 2620 Regatta Drive. The case was closed on 06/25/07.
12/20/07	The Planning and Development Department approved a request for an Administrative Review (SDR-25722) to allow the replacement of antennas on an existing 63-foot tall commercial building at 2620 Regatta Drive.
02/06/08	The City Council approved a request for an Extension of Time (EOT-26119) of an approved Special Use Permit (SUP-17307) for a proposed Restaurant Service Bar and a waiver of the 400-foot distance separation requirement from an existing church at 2620 Regatta Drive, Suite 117.
<i>Related Building Permits/Business Licenses</i>	
12/28/95	A building permit (95885498) was issued for a Non-Work Certificate of Occupancy at 2620 Regatta Dr, Ste 117. The permit was finalized on 03/11/96.

10/07/06	A business license (L19-98418 and R09-98419) for a Restaurant Service Bar and Restaurant were applied for but not issued due to a delay in the anticipated opening at 2620 Regatta Dr, Ste 118.
07/09/07	A business license (L18-94423) was for a Liquor Caterer was applied for but not issued due to a delay in the anticipated opening at 2620 Regatta Drive, Ste 118.
01/09/08	A building permit (104813) was issued for a 9-foot by 19-foot carport with 43 spaces. The permit was not finalized.
02/19/08	A building permit (102265) was issued to replace antennas on an existing building at 2620 Regatta Dr. The permit was finalized on 04/09/08.
07/23/08	A building permit (120464) was issued for a fire alarm system at 2620 Regatta Dr, Ste 117. The permit is still active.
08/11/08	A building permit (121134) was issued for a sprinkler system at 2620 Regatta Drive, Ste 117. The permit is still active.
11/18/08	Plans (L-4103-05) have been submitted and permits issued for interior work at 2620 Regatta Drive, Ste 118 for the Ivy Grill.
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required for this type of application, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of application, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	5.50

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Restaurant Service Bar	SC (Service Commercial)	C-1 (Limited Commercial)
	Retail Establishment	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single-Family Residential	L (Low Density Residential)	R-PD5 (Residential Planned Development- 5 Units per Acre)
South	Community Center, Private	PR-OS (Parks/Recreation/Open Space)	R-PD5 (Residential Planned Development- 5 Units per Acre)

East	Lake	PR-OS (Parks/Recreation/Open Space)	R-PD5 (Residential Planned Development- 5 Units per Acre)
West	Single-Family Residential	L (Low Density Residential)	R-PD5 (Residential Planned Development- 5 Units per Acre)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		Y
A-O (Airport Overlay) District (200 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the second request for an Extension of Time of an approved Special Use Permit (SUP-17307) for a Restaurant Service Bar and a waiver of the 400-foot distance separation requirement from an existing church. Title 19.18.060 deems a Special Use Permit exercised upon the approval of a business license for the activity, if required, or upon the issuance of a certificate of occupancy or approval of a final inspection.

The applicant has applied for business licenses, but due to a delay in the anticipated opening of the business, the licenses have not been approved and/or issued. Additionally, permits have been issued for the build out of the restaurant, which include plumbing, major electrical, hoods, vents, kitchen facilities, etc. The business is anticipating a grand opening by June 2009.

FINDINGS

The applicant is requesting an extension of time in order to meet Title 19 requirements to exercise the Special Use Permit. They have shown progress on the restaurant by receiving several building permits and have applied for the appropriate business licenses. Due to a delay in the remodeling of the facility, an extension of time is required; therefore, staff is recommending approval of the extension of time request with a one-year time limit. Conformance to the conditions of approval of Special Use Permit (SUP-17307) shall be required.

<u>NEIGHBORHOOD ASSOCIATIONS NOTIFIED</u>	N/A
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<u>ASSEMBLY DISTRICT</u>	N/A
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<u>SENATE DISTRICT</u>	N/A
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<u>NOTICES MAILED</u>	N/A
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<u>APPROVALS</u>	0
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<u>PROTESTS</u>	0
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